

REMARKS

The law firm of Harrington & Smith PC has been requested by the Assignee to assume responsibility for the further prosecution of this patent application. A revocation of the prior power of attorney and a new power of attorney, with a change of correspondence address, has been filed or will be filed. All future communications regarding this patent application should be directed to customer number 29683.

The allowance of claims 11-17 is noted with appreciation.

Claims 18-38 are rejected under 35 USC 112, first paragraph, for the reasons of record. Claims 1-10, 35 and 36 are rejected under 35 USC 101 for the reasons of record.

Without expressly or impliedly admitting that the applicants are in agreement with the Examiner's rationale for rejecting these claims, claims 35-38 have been cancelled without prejudice or disclaimer.

Claims 1-10 and 35-36 were rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. With respect to claims 1-10, the Office Action asserted that the method claims neither are tied to a particular machine nor transform underlying subject matter to a different state or thing (*see In re Bilski*, 85 USPQ2d 1385 (Fed. Cir. 2008)). Method claim 1, upon which claims 2-9 depend, is amended to explicitly tie each step of the method claim to a particular machine, in particular, a "receiver" and a "processor." Support for these amendments may be found in the specification, for example, at Figure 1 and page 8, line 15, to page 10, line 18, which discloses the SGSN and the GGSN that receive, process, and transmit data. One of ordinary skill in the art would recognize that each of the nodes is typically equipped with a "receiver" to receive, for example, a Packet Data Protocol (PDP) request, and a "processor" to perform the process the PDP request (*see Specification at Figure 1, items 2-3*). The rejection of claims 1-10 is thus rendered moot in view of the claim amendments.

Claims 18-38 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. With respect to claims 18-34, the rejection is traversed as being legally improper.

Specifically, the Office Action asserted that there is no support in the specification for a "receiver," a "processor," and a "transmitter". This rejection is improper because it appears to rigidly analyze the disclosure in view of the precise words a "receiver," a "processor", and "a "transmitter".

The Federal Circuit has held, "To fulfill the written description requirement, the patent specification must describe an invention in sufficient detail that one skilled in the art can clearly conclude that the inventor invented what is claimed." (*see Cordis Corp. v. Medtronic AVE, Inc.*, 339 F.3d 1352, 1364 (Fed. Cir. 2003)). The Federal Circuit has explained, however, "The disclosure as originally filed does not ... have to provide *in haec verba* support for the claimed subject matter at issue." (*see id.*). In other words, there is no requirement that the precise language used in the claims appear in the specification, in order to satisfy the written description requirement. The concept claimed is fully supported in the specification, in such a way that one of ordinary skill in the art could clearly conclude that the inventor invented what is claimed. Thus, the claims fully comply with the written description requirement.

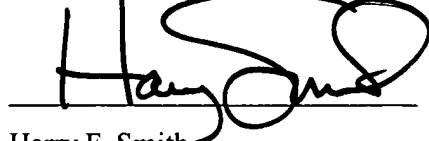
More specifically, the concept of a "receiver," a "processor," and a "transmitter" is described in the specification, for example, at Figure 1 and page 8, line 15, to page 10, line 18, which discloses the SGSN and the GGSN that receive, process, and transmit data. One of ordinary skill in the art would recognize that each of the nodes is typically equipped with a "receiver," a "processor," and a "transmitter" to receive, process, and transmit the data. Therefore, Figure 1 and the associated discussion in the present application provide full and adequate support for the claim recitations.

The Examiner is respectfully requested to reconsider and remove the rejections of the claims

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under 35 U.S.C. 101 and 112, first paragraph, and to allow all of the pending claims as now presented for examination. An early notification of the allowability of all of the now pending claims is earnestly solicited.

Respectfully submitted:



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

9/14/2009 Clair F. Mian
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